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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,322	07/11/2000	Craig M. Janik		1023

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EXAMINER

CHANG, ERIC

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,322

Applicant(s)

JANIK, CRAIG M.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-31 are pending.

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 7, 10-13, 15, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,832,067 to Herold.
5. As to claim 7, Herold discloses an alarm clock comprising:
 - [a] a snooze button (40) [col. 3, lines 32-34];
 - [b] an audio/visual display (274, 268, 234) [col. 6, lines 18-23];
 - [c] a port (266) to couple to a server over a network [col. 4, lines 20-26]; and
 - [d] a timer device (42) to download pre-selected information from a server and presenting said information on said display and speaker [col. 3, lines 41-65].

Herold teaches an alarm clock that couples to a server over a network in order to download and present pre-selected information from the server at a predetermined time [col. 3,

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lines 8-65]. Herold teaches all of the limitations of the claim, but does not specifically teach that the port couples the alarm clock to the internet to download the information from a website.

However, Herold does teach that the device connects to any type of computer capable of providing the requested information over a telephonic network [col. 3, lines 8-24]. It would be obvious to one of ordinary skill in the art that the server may be a website server and that the connection may be made over a telephone dial-up to the internet, because a website server would be able to provide the requested information, substantially as claimed. Furthermore, using telephonic dial-up technology to access the internet is also well known in the art.

6. As to claim 10, Herold discloses the alarm clock comprises a radio tuner for receiving and playing radio broadcasts [col. 3, lines 25-29].

7. As to claim 11, Herold discloses a memory (272) for storing the downloaded information [col. 6, lines 1-5].

8. As to claim 12, Herold discloses an audio synthesizer (268) capable of reproducing audio messages to the user [col. 6 lines 12-17], thereby audibly broadcasting information over the speaker, substantially as claimed.

9. As to claims 13 and 20, Herold discloses an interface for coupling the alarm clock to a server [col. 3, lines 8-17], and that it would have been obvious to one of ordinary skill in the art to use the internet to connect the alarm clock to the server, substantially as claimed.

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Furthermore, it would be obvious to one of ordinary skill in the art that any combination of hardware, software or firmware used to facilitate communication between the alarm clock and the data sources, such as proxy servers that connect the alarm clock to the data sources, would be used in the implementation of the teachings of Herold as necessary. In addition, it would be obvious to one of ordinary skill in the art that the method of downloading and presenting information to the user taught by Herold could be implemented in the proxy server, substantially as claimed.

10. As to claim 15, Herold discloses the alarm clock comprises a radio tuner for receiving and playing radio broadcasts [col. 3, lines 25-29].

11. As to claims 18 and 21, Herold teaches a single alarm clock that connects to a server to download information, and displaying said information to a user. Because Herold teaches a single alarm clock, Herold teaches a plurality of alarm clocks that are able to download and display information from the server via the communication network interface, substantially as claimed.

12. As to claim 19, Herold discloses a memory (272) for storing the downloaded information [col. 6, lines 1-5].

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13. As to claim 22, Herold discloses an audio synthesizer (268) capable of reproducing audio messages to the user [col. 6 lines 12-17], thereby audibly broadcasting information over the speaker, substantially as claimed.

14. Claims 8-9, 14, 16-17 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,832,067 to Herold in view of U.S. Patent 5,774,664 to Hidary et al.

15. As to claims 8, 16-17 and 23-31, Herold teaches all the limitations of the claim, including an alarm clock that connects to a server to download information, and displaying said information to a user, substantially as claimed. Furthermore, although Herold teaches that the alarm timer is set to activate the presentation of information to the user [col. 8, lines 64-67, and col. 9, lines 1-4], Herold does not teach that the timer activation information is downloaded from the same website as the information presented to the user. That is, the alarm information does not necessarily originate from the same website as the advertising information.

Hidary discloses the timer determines the downloading and presentation of the information in response to time related information downloaded from the website [col. 3, lines 43-52]. Hidary teaches a web server that contains scheduling information for the presentation of information that is sent to the client display devices over the Internet, substantially as claimed. In addition, Hidary teaches the scheduling information for transmitting said information to the user may coincide with scheduled broadcasts [col. 3, lines 43-52].

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At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the website-driven timer activation means as taught by Hidary. One of ordinary skill in the art would have been motivated to do so that the website could provide additional control for the alarm clock in addition to merely providing raw data for the alarm clock to make its own determination on when to present the downloaded information.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of timer-activated download of information from the Internet. Moreover, the website-driven timer activation means taught by Hidary would improve the flexibility of Herold because it allowed for the capability to perform more advanced and interactive web surfing in addition to the mere presentation of information from the Internet.

16. As to claims 9, 14 and 24, Hidary discloses the web pages presented to the user may contain hyperlinks that can be selected, or tagged, by the user, causing additional requests to be sent to the website to request further related information [col. 8, lines 45-67, and col. 9, lines 1-2].

17. As to claim 26, Herold discloses a memory (272) for storing the downloaded information [col. 6, lines 1-5].

18. As to claims 27 and 28, Herold discloses an interface for coupling the alarm clock to a server [col. 3, lines 8-17], and that it would have been obvious to one of ordinary skill in the art

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to use the internet to connect the alarm clock to the server, substantially as claimed.

Furthermore, it would be obvious to one of ordinary skill in the art that any combination of hardware, software or firmware used to facilitate communication between the alarm clock and the data sources, such as proxy servers that connect the alarm clock to the data sources, would be used in the implementation of the teachings of Herold as necessary. In addition, it would be obvious to one of ordinary skill in the art that the method of downloading and presenting information to the user taught by Herold could be implemented in the proxy server, substantially as claimed.

19. As to claim 29, Hidary discloses that the downloading, transmitting, and presenting steps are performed simultaneously [col. 8, lines 24-44]. Hidary teaches up-to-the-minute information, such as that comprising stock and financial news, may be downloaded from the Internet and presented to the user in accordance to a pre-selected content selection.

20. As to claims 30-31, Herold teaches a single alarm clock that connects to a server to download information, and displaying said information to a user. Because Herold teaches a single alarm clock, Herold teaches a plurality of alarm clocks that are able to download and display information from the server via the communication network interface, substantially as claimed.

Conclusion

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21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 19, 2004


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